

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #13	CCRB Case #: 201904895	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/01/2019 5:00 PM, Tuesday, 06/04/2019 5:00 PM	Location of Incident: § 87(2)(b) 109th Precinct stationhouse	Precinct: 109	18 Mo. SOL 12/4/2020	EO SOL 7/21/2021	
Date/Time CV Reported Wed, 06/05/2019 3:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/05/2019 3:05 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Amylou Giannelli	01412	919101	109 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Julio Hernandez	559	938662	109 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Amylou Giannelli	Discourtesy: On June 1, 2019, at § 87(2)(b) in Queens, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.DT3 Amylou Giannelli	Abuse: On June 1, 2019, at § 87(2)(b) in Queens, Detective Amylou Giannelli seized § 87(2)(b) property.	§ 87(2)(b)
C.DT3 Amylou Giannelli	Discourtesy: On June 4, 2019, at the 109th Precinct stationhouse, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.DT3 Amylou Giannelli	Discourtesy: On June 4, 2019, at the 109th Precinct stationhouse, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 5, 2019, § 87(2)(b) filed this complaint with the CCRB via the online website on behalf of herself and her boyfriend, § 87(2)(b).

On June 1, 2019, at approximately 5 p.m., § 87(2)(b) called 911 to report that her brother, § 87(2)(b) was missing. Det. Amylou Giannelli and Det. Julio Hernandez of the 109th Precinct Detective's Squad responded to her apartment. Det. Giannelli told § 87(2)(b) "I don't believe you. I think you're bullshitting right now" (**Allegation A: Discourtesy, § 87(2)(g)**). Det. Giannelli seized § 87(2)(b)'s passports (**Allegation B: Abuse of Authority, § 87(2)(g)**). On June 4, 2019, at approximately 5 p.m., § 87(2)(b) and § 87(2)(b) went to the 109th Precinct stationhouse to retrieve § 87(2)(b)'s passports. Det. Giannelli spoke discourteously to § 87(2)(b) and § 87(2)(b) (**Allegations C and D: Discourtesy, § 87(2)(g)**). No arrests or summonses resulted from this incident.

§ 87(2)(b) provided to the investigation an audio recording she took on her cell phone of her interaction with Det. Giannelli on June 4, 2019 (**Board Review 08**). A summary of the audio can be found in IA #54 (**Board Review 09**). There is no video evidence in this case.

Findings and Recommendations

Allegation A – Discourtesy: On June 1, 2019, at § 87(2)(b) in Queens, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that on June 1, 2019, she called 911 to report that her brother, § 87(2)(b) who had recently returned to the United States from Taiwan, was missing. Det. Giannelli examined § 87(2)(b)'s passports, told § 87(2)(b) that there was no entry stamp on his American passport, and asked how he could have returned to the United States. § 87(2)(b) explained that since he was an American citizen, there would not be a return stamp on the American passport as it was his home country. Det. Giannelli told § 87(2)(b) that § 87(2)(b) must have run away from something and been involved in criminal activity, and she told § 87(2)(b) "I don't believe you. I think you're bullshitting right now" (**Board Review 01**).

§ 87(2)(b)'s mother, § 87(2)(b) and her two sisters who are minors, witnessed this incident. However, § 87(2)(b) refused to participate in the investigation and refused to permit her minor daughters to do so (**Board Review 02**).

Det. Giannelli and Det. Hernandez both acknowledged that they thought the circumstances of § 87(2)(b)'s disappearance were "a little weird." Det. Giannelli told § 87(2)(b) that she thought the circumstances were "a little weird," but denied making the statement "I think you're bullshitting right now" (**Board Review 03**). Det. Hernandez did not recall Det. Giannelli making the statement (**Board Review 04**).

§ 87(2)(g)

Allegation B – Abuse of Authority: On June 1, 2019, at § 87(2)(b) in Queens, Detective Amylou Giannelli seized § 87(2)(b)'s property.

§ 87(2)(b) testified that § 87(2)(b) who was missing, lived in a hostel but left his passports in § 87(2)(b)'s apartment. On June 1, 2019, after § 87(2)(b) reported § 87(2)(b) missing, Det. Giannelli asked § 87(2)(b) if she could take § 87(2)(b)'s passports. § 87(2)(b) provided § 87(2)(b)'s passports to Det. Giannelli. On June 4, 2019, § 87(2)(b) went to the 109th Precinct stationhouse to retrieve § 87(2)(b)'s passports from Det. Giannelli and she refused to return

them to § 87(2)(b) (**Board Review 01**). § 87(2)(b) has been named the victim in this allegation as she was in possession of § 87(2)(b)'s passports when they were seized.)

It is undisputed that Det. Giannelli took § 87(2)(b)'s Taiwanese and American passports. As of the date of this report, § 87(2)(b) is no longer missing and his passports have been returned to him.

Det. Giannelli and Det. Hernandez both said that Det. Giannelli decided to seize the passports to voucher them for safekeeping because they did not belong to § 87(2)(b) because § 87(2)(b) did not live in the apartment; and because burglaries were common within the confines of the 109th Precinct and passports were valuable. For those reasons, Det. Giannelli felt that the passports would be safer at the 109th Precinct stationhouse than in § 87(2)(b)'s apartment (**Board Review 03, 04**).

The property voucher for the passports, prepared by PO Anthony Brigandi of the 109th Precinct, states "property of missing, held for safekeeping." The passports were returned to § 87(2)(b) on July 22, 2019 (**Board Review 15**).

NYPD Patrol Guide, Procedure 218-26 states that upon coming into possession of found property, officers must voucher the property and prepare a Property Clerk Invoice (**Board Review 06**).

§ 87(2)(g)

Allegation C – Discourtesy: On June 4, 2019, at the 109th Precinct stationhouse, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)

Allegation D – Discourtesy: On June 4, 2019, at the 109th Precinct stationhouse, Detective Amylou Giannelli spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both alleged that on June 4, 2019, they went to the 109th Precinct stationhouse to speak with Det. Giannelli and retrieve § 87(2)(b)'s passports. § 87(2)(b) recorded audio of their interaction with Det. Giannelli on her cellphone during the incident (**Board Review 01, 07**). The audio recording depicts the following interactions with Det. Giannelli, § 87(2)(b) and § 87(2)(b) (the times refer to the media player, visible at the bottom of the screen):

06:13: Det. Giannelli - "Listen. I have been doing plenty of searches for the past week. He is not findable. Wherever he went, he's (unintelligible)."

06:27: § 87(2)(b) - "I don't understand how you keeping the passports makes you more likely to find him."

06:27: Det. Giannelli - "Because he's going to want them when he comes home."

06:30: § 87(2)(b) - "But the family will have them, that's what you're trying..." § 87(2)(b) is cut off by Det. Giannelli.)

06:32: Det. Giannelli - "Right, and he will take them..." (Det. Giannelli is cut off by § 87(2)(b))

06:34: § 87(2)(b) - "You're trying to imply that the family is helping him."

06:35: Det. Giannelli - "If you're talking over, you can leave. I don't know who the hell you are... Who the hell you think you are. You know what? Fuck this shit. Get out. Get out!"

06:46: § 87(2)(b) - "You're implying..." § 87(2)(b) is interrupted by Det. Giannelli.)

06:47: Det. Giannelli - "Get out! Get out. Get out. Get the fuck out of here!"

07:15: Det. Giannelli – (speaking to § 87(2)(b)) "This is my case. Have a seat. I'm going to repeat this one more time, then you're going to leave. You are not getting the passports. They do not

belong to you, they belong to him. When he comes home, whatever dirt he's fucking doing, he wants to bounce again, then tell him to come here and see me. Now you can leave" (**Board Review 08**).

During her CCRB interview, Det. Giannelli initially denied using discourteous language while speaking with § 87(2)(b) and § 87(2)(b). Upon being presented the audio recording, Det. Giannelli acknowledged that it was her voice captured making the profane statements, but that she did not have an independent recollection of doing so. Det. Giannelli used the phrase "fuck this shit" because she was frustrated. Det. Giannelli told § 87(2)(b) "Get the fuck out of here," because she did not know who § 87(2)(b) was, and did not understand why he was getting involved, and thus wanted him to leave the stationhouse. PO Giannelli stated that her use of discourteous language was "verbal force" to get § 87(2)(b) to leave the stationhouse quicker. Det. Giannelli used the phrase "whatever dirt he's fucking doing" to get § 87(2)(b) to leave the stationhouse as she was frustrated with repeating herself (**Board Review 03**).

NYPD Patrol Guide Procedure 203-09 states that police officers must be courteous and respectful when dealing with civilians (**Board Review 10**). Disciplinary Case No. 2017-17005 states that while officers are allowed to use discourteous language during stressful situations, officers are only permitted to do so when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order (**Board Review 11**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 12**).
- Det. Giannelli has been a member-of-service for 22 years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of December 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 13**).

• § 87(2)(g)

• § 87(2)(g)

Squad No.: 11

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

Signature

Print Title & Name

Date